

21 C.J.S. Courts § 51

Corpus Juris Secundum | May 2023 Update

Courts

M. Elaine Buccieri, J.D.; James Buchwalter, J.D.; Amy G. Gore, J.D., of the staff of the National Legal Research Group, Inc; and Lonnie E. Griffith, Jr., J.D.

II. Jurisdiction of Courts

D. Jurisdiction of Person

3. Tests or Elements Determining Exercise of Personal Jurisdiction

§ 51. Doing or transacting business in forum as basis of specific personal jurisdiction

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  13.3(8), 13.3(11)

A defendant purposefully availing itself of the privilege of conducting business in the forum may be subject to specific personal jurisdiction for claims related to or arising from the defendant's contacts with the forum.

For purposes of specific personal jurisdiction,¹ regarding only claims substantially related to or arising from the defendant's contacts with the form,² the defendant must conduct activities in the forum state by which the defendant purposefully avails itself of the privilege of conducting business activities in the state, thus invoking the benefits and protections of its laws.³ Purposeful activities are volitional acts of the defendant.⁴ The courts may look to conduct beyond particular business transaction at issue because additional conduct of the defendant may indicate an intent or purpose to serve the market in the forum state, but a showing of purposeful promotion of the business in the forum state and seeking clients in the forum state may be sufficient.⁵

Many statutes authorize specific personal jurisdiction over a defendant who "transacts any business" in the state,⁶ and this is a standard considered applicable to the full extent allowed by due process limitations.⁷ It is the nature and quality of the contacts with the forum, not purely the amount of contacts, that must be considered,⁸ and the courts will look to the totality of the circumstances for purposeful availment.⁹

The defendant's activities must show a general course of business activity in the state for pecuniary benefit,¹⁰ such as a regular course of voluminous sales to forum customers through a nonresident distributor, purposefully availing the seller of the forum's benefits and protections.¹¹ Even sporadic or casual acts,¹² or a single transaction, may be sufficient to confer specific personal jurisdiction,¹³ without regard to physical presence in the forum,¹⁴ but random, fortuitous, or attenuated acts are inconsistent with the requirement of purposeful availment.¹⁵

In determining whether there is a substantial relationship between the transaction and the claim asserted, the court will look to the totality of the defendant's activities within the forum and whether there is an articulable nexus, or a substantial relationship, with the claim asserted.¹⁶

CUMULATIVE SUPPLEMENT

Cases:

Transacts any business prong of Georgia's long-arm statute requires that the nonresident defendant has purposefully done some act or consummated some transaction in Georgia. [Ga. Code Ann. § 9-10-91](#). [Weinstein Group, Inc. v. O'Neill & Partners, LLC](#), 415 F. Supp. 3d 1167 (N.D. Ga. 2019).

District court must look to the totality of the circumstances to determine whether a nondomiciliary transacts business in New York, for purposes of specific personal jurisdiction under New York's long-arm statute, and even a single New York business transaction may be sufficient, provided the cause of action arises out of the subject matter of the transaction. [N.Y. CPLR § 302](#). [Sandstone Springs, LLC v. Virag Distribution, LLC](#), 617 F. Supp. 3d 159 (W.D. N.Y. 2022).

Under effects test for determining purposeful availment, as requirement for specific personal jurisdiction over a nonresident defendant, intentional conduct occurring elsewhere may give rise to jurisdiction in California where it is calculated to cause injury in California; defendant must expressly aim or target his conduct toward California, with the knowledge that his intentional

conduct would cause harm in the forum. [Dongxiao Yue v. Wenbin Yang](#), 62 Cal. App. 5th 539, 276 Cal. Rptr. 3d 718 (1st Dist. 2021).

Out-of-state gun retailer's sales to gun trafficking ring were sufficient to establish that he derived substantial revenue from guns used or consumed in New York, for purposes of New York's long-arm statute, in light of evidence that retailer had sold 181 guns to ring members in six months, generating revenue of at least \$15,000, that guns sold to them were transported to New York and resold at significant profit, and that interstate transactions constituted 14.3% of retailer's total sales by volume. [N.Y. CPLR § 302\(a\)\(3\)\(i\)](#). [Williams v. Beemiller, Inc.](#), 159 A.D.3d 148, 72 N.Y.S.3d 276 (4th Dep't 2018).

Exercise of specific personal jurisdiction over alleged high-ranking executive, based on executive's transaction of business in New York, did not violate Due Process, in action by hedge funds and municipal retirement fund for various causes of action in connection with transaction; executive had numerous contacts with New York, including leasing New York apartments, meeting hedge funds' investment manager in New York on many occasions, and attending an event of investment manager's New York-based company. [U.S.C.A. Const.Amend. 14](#); [McKinney's CPLR 302\(a\)\(1\)](#). [FIA Leveraged Fund Ltd. v. Grant Thornton LLP](#), 150 A.D.3d 492, 56 N.Y.S.3d 12 (1st Dep't 2017).

To have minimum contacts sufficient for court to exercise specific personal jurisdiction over a nonresident defendant, the defendant must have performed some act by which it purposefully availed itself of the privilege of conducting activities within the forum state, thus invoking the benefits and protections of its laws. [Martins v. Bridgestone Americas Tire Operations, LLC](#), 266 A.3d 753 (R.I. 2022).

A nonresident defendant must engage in some act or acts by which it purposefully avails itself of the privilege of conducting activities within the forum state, or deliberately engage in activities directed at forum state, to merit the exercise of specific personal jurisdiction. [Crouch Railway Consulting, LLC v. LS Energy Fabrication, LLC](#), 610 S.W.3d 460 (Tenn. 2020).

Acceptance by defendant, a Louisiana resident, of proceeds from vendor's sale of her home in Texas, drawn from vendor's bank and deposited into defendant's bank account in Louisiana, was insufficient to show that defendant purposefully availed herself of privileges of conducting activities in Texas, as required for exercise of specific jurisdiction to comport with due process, in action brought by title company under Texas Uniform Fraudulent Transfers Act, arising out of vendor's alleged fraudulent transfer of proceeds from sale of her home that was subject to federal lien; vendor transferred fungible asset, specifically, money, that had no continuing presence in Texas, and defendant's conduct with respect to alleged contact was exclusively in Louisiana. [U.S.](#)

Const. Amend. 14; Tex. Bus. & C. Code § 24.001 et seq. Old Republic National Title Insurance Company v. Bell, 549 S.W.3d 550 (Tex. 2018).

[END OF SUPPLEMENT]

Westlaw. © 2023 Thomson Reuters. No Claim to Orig. U.S. Govt. Works.

Footnotes

- 1 § 47.
- 2 Cal.—Elkman v. National States Ins. Co., 173 Cal. App. 4th 1305, 93 Cal. Rptr. 3d 768 (2d Dist. 2009).
- Colo.—Etchieson v. Central Purchasing, LLC, 232 P.3d 301 (Colo. App. 2010).
- Ga.—Stubblefield v. Stubblefield, 296 Ga. 481, 769 S.E.2d 78 (2015).
- Ill.—Solargenix Energy, LLC v. Acciona, S.A., 2014 IL App (1st) 123403, 384 Ill. Dec. 598, 17 N.E.3d 171 (App. Ct. 1st Dist. 2014).
- S.C.—Delta Apparel, Inc. v. Farina, 406 S.C. 257, 750 S.E.2d 615 (Ct. App. 2013).
- Arguably connected**
- N.Y.—Wilson v. Dantas, 128 A.D.3d 176, 9 N.Y.S.3d 187 (1st Dep't 2015).
- Causation not required**
- N.Y.—Pichardo v. Zayas, 122 A.D.3d 699, 996 N.Y.S.2d 176 (2d Dep't 2014), leave to appeal denied, 26 N.Y.3d 905, 17 N.Y.S.3d 87, 38 N.E.3d 833 (2015).
- Causation required**
- U.S.—Cossart v. United Excel Corp., 804 F.3d 13 (1st Cir. 2015) (applying Massachusetts law).
- Tangential relationship insufficient**
- Idaho—Gailey v. Whiting, 157 Idaho 727, 339 P.3d 1131 (2014).
- 3 U.S.—Clay v. AIG Aerospace Ins. Services, Inc., 61 F. Supp. 3d 1255 (M.D. Fla. 2014) (applying Florida law).
- Cal.—Elkman v. National States Ins. Co., 173 Cal. App. 4th 1305, 93 Cal. Rptr. 3d 768 (2d Dist. 2009).
- Colo.—Foundation for Knowledge in Development v. Interactive Design Consultants, LLC, 234 P.3d 673 (Colo. 2010).
- Ill.—Solargenix Energy, LLC v. Acciona, S.A., 2014 IL App (1st) 123403, 384 Ill. Dec. 598, 17 N.E.3d 171 (App. Ct. 1st Dist. 2014).
- Ky.—Hinnars v. Robey, 336 S.W.3d 891 (Ky. 2011).
- N.Y.—People ex rel. Schneiderman v. Orbital Pub. Group, Inc., 50 Misc. 3d 811, 21 N.Y.S.3d 573 (Sup 2015).
- Tex.—Murray v. Epic Energy Resources, Inc., 300 S.W.3d 461 (Tex. App. Beaumont 2009).

Wash.—State v. AU Optronics Corp., 180 Wash. App. 903, 328 P.3d 919 (Div. 1 2014).

A.L.R. Library

Construction and application, as to isolated acts or transactions, of state statutes or rules of court predicated in personam jurisdiction over nonresidents or foreign corporations upon the doing of an act, or upon doing or transacting business or "any" business, within the state, 27 A.L.R.3d 397.

Validity, as a matter of due process, of state statutes or rules of court conferring in personam jurisdiction over nonresidents or foreign corporations on the basis of isolated business transaction within state, 20 A.L.R.3d 1201.

4 N.Y.—People ex rel. Schneiderman v. Orbital Pub. Group, Inc., 50 Misc. 3d 811, 21 N.Y.S.3d 573 (Sup 2015).

5 Tex.—Gray, Ritter & Graham, PC v. Goldman Phipps PLLC, 2015 WL 5895302 (Tex. App. Corpus Christi 2015), petition for review filed, (Feb. 8, 2016).

6 U.S.—Cossart v. United Excel Corp., 804 F.3d 13 (1st Cir. 2015) (applying Massachusetts law); North v. Smarsh, Inc., 2015 WL 8023999 (D.D.C. 2015) (applying District of Columbia law).

Ga.—Stubblefield v. Stubblefield, 296 Ga. 481, 769 S.E.2d 78 (2015).

N.Y.—Wilson v. Dantas, 128 A.D.3d 176, 9 N.Y.S.3d 187 (1st Dep't 2015).

Factors considered

U.S.—Bank Leumi USA v. Ehrlich, 98 F. Supp. 3d 637 (S.D. N.Y. 2015), appeal withdrawn, (2d Cir. 15-1294) (Dec. 2, 2015) (applying New York law).

7 U.S.—North v. Smarsh, Inc., 2015 WL 8023999 (D.D.C. 2015) (applying District of Columbia law).

Ga.—Stubblefield v. Stubblefield, 296 Ga. 481, 769 S.E.2d 78 (2015).

Tex.—Leonard v. Salinas Concrete, LP, 470 S.W.3d 178 (Tex. App. Dallas 2015).

Standard of transacted business may be overbroad

U.S.—Eades v. Kennedy, PC Law Offices, 799 F.3d 161 (2d Cir. 2015) (applying New York law).

8 U.S.—Bissonnette v. Podlaski, 2015 WL 5853834 (S.D. N.Y. 2015) (applying New York law).

N.Y.—People ex rel. Schneiderman v. Orbital Pub. Group, Inc., 50 Misc. 3d 811, 21 N.Y.S.3d 573 (Sup 2015).

9 N.Y.—Okeke v. Momah, 132 A.D.3d 648, 17 N.Y.S.3d 746 (2d Dep't 2015).

10 U.S.—Serefex Corp. v. Hickman Holdings, LP, 695 F. Supp. 2d 1331 (M.D. Fla. 2010) (applying Florida law).

Tex.—Murray v. Epic Energy Resources, Inc., 300 S.W.3d 461 (Tex. App. Beaumont 2009).

11 Minn.—Butler v. JLA Indus. Equipment, Inc., 845 N.W.2d 834 (Minn. Ct. App. 2014).

12 U.S.—Moskowitz v. La Suisse, Societe D'Assurances sur la Vie, 282 F.R.D. 54 (S.D. N.Y. 2012) (applying New York law).

13 U.S.—Eades v. Kennedy, PC Law Offices, 799 F.3d 161 (2d Cir. 2015) (applying New York law).

Ga.—American College Connection, Inc. v. Berkowitz, 332 Ga. App. 867, 775 S.E.2d 226 (2015).

14 Ga.—American College Connection, Inc. v. Berkowitz, 332 Ga. App. 867, 775 S.E.2d 226 (2015).

- 15 N.Y.—*Fischbarg v. Doucet*, 9 N.Y.3d 375, 849 N.Y.S.2d 501, 880 N.E.2d 22 (2007).
- Tex.—*Leonard v. Salinas Concrete, LP*, 470 S.W.3d 178 (Tex. App. Dallas 2015).
- 15 Colo.—*Foundation for Knowledge in Development v. Interactive Design Consultants, LLC*, 234 P.3d 673 (Colo. 2010).
- Tex.—*Murray v. Epic Energy Resources, Inc.*, 300 S.W.3d 461 (Tex. App. Beaumont 2009).
- Wash.—*State v. AU Optronics Corp.*, 180 Wash. App. 903, 328 P.3d 919 (Div. 1 2014).
- 16 U.S.—*Lipson v. Birch*, 46 F. Supp. 3d 206 (E.D. N.Y. 2014) (applying New York law).

End of Document

© 2023 Thomson Reuters. No claim to original U.S.
Government Works.